

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

ANTOINE T. WINTERS,

Plaintiff,

vs.

**3:12-cv-00446-PPS**

CITY OF SOUTH BEND, FORMER CITY OF  
SOUTH BEND CHIEF OF POLICE DARRYL  
BOYKINS, INTERIM CITY OF SOUTH BEND  
CHIEF OF POLICE CHUCK HURLEY,  
OFFICER GREGORY VIOLETTE, CPL. ERIC  
RZESZEWSKI, CPL. JASON KATOWICH,  
CPL. KENNETH RYAN and  
SGT. JAMES WOLFF,

Defendants.

**OPINION AND ORDER**

Winters alleges that South Bend police officers violated his constitutional rights during a confrontation in 2010. He also claims that South Bend and its police department supervisors violated his constitutional rights. South Bend, former Police Chief Darryl Boykins, and Interim Police Chief Chuck Hurley have moved for partial summary judgment on the claims involving unconstitutional customs, policies, or practices. (Docket Entry 43.) I have reviewed the motion and briefing, and I have determined that it is not appropriate to grant partial summary judgment, so the defendants' motion will be **DENIED**. Because time is of the essence in order to maintain the existing litigation schedule, a fuller opinion explaining my reasoning will follow this Order.

Trial is set for April 20, 2015. **The final pretrial conference and settlement conference are hereby set for Friday, April 3, 2015, at 9:30 A.M. CST, before the undersigned in Hammond** (any date previously set is hereby canceled). I refer the parties to this Court's Order Controlling the Case (DE 37) and the Northern District of Indiana Web site for information about this Court's pretrial and trial procedures and deadlines.

**SO ORDERED.**

ENTERED: March 25, 2015

/s/ Philip P. Simon  
**PHILIP P. SIMON, CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**